

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DANIEL KLEEGERG, LISA STEIN,
and AUDREY HAYS,

Plaintiffs,

AFFIRMATION OF
ROBERT B. CALIHAN

v.

Civil Action No. 1:16-cv-09517

LESTER EBER; ALEXBAY, LLC f/k/a
LESTER EBER, LLC; ESTATE OF ELLIOTT W.
GUMAER, JR.; and WENDY EBER

Defendants,

and

EBER BROS. & CO., INC.;
EBER BROS. WINE AND LIQUOR
CORPORATION; EBER BROS. WINE
& LIQUOR METRO, INC.; EBER-
CONNECTICUT, LLC; EBER-RHODE
ISLAND, LLC; EBER BROS.
ACQUISITION CORP.; EBER-METRO,
LLC; SLOCUM & SONS OF MAINE, INC.,

Defendants.

ROBERT B. CALIHAN, an attorney duly admitted to practice law before this Court,
does hereby affirm the following under the penalties of perjury:

1. I am counsel for The Estate of Elliot W. Gumaer, Jr. ("Estate") in this proceeding.

This affirmation is made in opposition of Plaintiffs' motion for partial summary judgment.

2. I attach a true and correct copy of pages 254:03-257:13 of Lester Eber's
deposition transcript as Exhibit A.

3. I attached a true and correct copy of a December 13, 2012 email from Elliot Gumaer to Wendy Eber as Exhibit B.

4. I attached a true and correct copy of a March 12, 2012 email from Wendy Eber to William E. Brueckner, cc'd to Elliot Gumaer and Lester Eber as Exhibit C.

5. This deposition transcript and two emails were cited by and relied on by the Court in its Opinion and Order, dated May 13, 2019, at 30-31, (Dkt. 216).

Dated: December 6, 2019

/s/ Robert B. Calihan